

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

ADRIAN JENKINS,

Plaintiff,

v.

JOSEPH HUTCHESON,

Defendant.

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CV 614-081

O R D E R

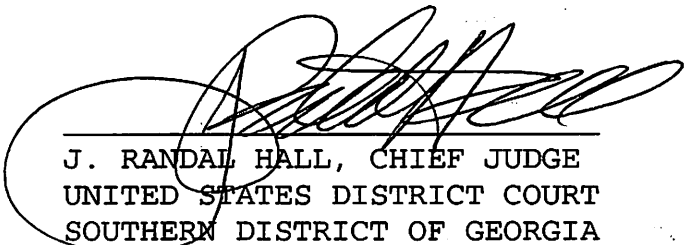
Before the Court is Plaintiff's Request for Pretrial Conference and Jury Trial Transcripts (the "Motion Requesting Transcripts"). (Doc. 166.) A pretrial conference and a trial were held in this matter on November 27 and 28, 2017, respectively. (See Docs. 156, 157.) Judgement was entered in favor of Defendant at trial. (See Doc. 158.) On December 4, 2017, Plaintiff filed a notice of appeal. (Doc. 159.) On December 11, 2017, Plaintiff filed his instant Motion Requesting Transcripts, wherein he requests "to be provided with the 'Pretrial Conference' and the 'Jury Trial' transcripts" because they 'would better enable [Plaintiff] to effect [his] appeal.'" (Doc. 166.) On March 20, 2018, the United States Court of Appeals for the Eleventh Circuit *sua sponte* ordered that transcripts of the pretrial conference and jury trial be prepared "at government expense." (Doc. 176.) The Clerk of

Court subsequently docketed the official transcripts from the pretrial conference and trial in this matter. (Docs. 177, 178.) Because the Eleventh Circuit now has access to the transcripts Plaintiff requires to effect his appeal, his Motion Requesting Transcripts (Doc. 166) is **DENIED AS MOOT**.

To the extent Plaintiff seeks his own personal copies of these transcripts at no cost to him, he is not entitled to them. See Harless v. United States, 329 F.2d 397, 398-99 (5th Cir. 1964) ("The statutory right to proceed *in forma pauperis* does not include the right to obtain copies of court orders, indictments, and transcript of record, without payment therefor, for use in proposed or prospective litigation." (citations omitted)); see also Jackson v. Florida Dep't of Fin. Servs., 479 F. App'x 289, 292-93 (11th Cir. 2012) ("This Court has never held that a prisoner's right of access to the courts entitles a prisoner-plaintiff, even one proceeding *in forma pauperis*, to free copies of court documents, including his own pleadings." (citing Harless, 329 F.2d at 398-99)). Rather, if Plaintiff desires personal copies of the transcripts, he must pay for them and the Clerk requires prepayment of fees prior to providing copies of any documents. See 28 U.S.C. § 1914(b) & (c). Because Plaintiff previously consented to the collection of fees in this case (doc. 7), however, the Clerk is authorized to provide Plaintiff with the transcripts he requests at the cost

of \$0.50 per page, totaling \$32.50 for the pretrial conference transcripts and \$97.00 for the jury trial transcripts, and to seek prepayment of those fees from Plaintiff's prison trust account. Accordingly, should Plaintiff desire personal copies of these transcripts, he shall provide written notice to the Clerk stating: (i) the specific documents he desires; and (ii) his consent to prepayment - from his prison trust account - of the aforementioned costs associated with the production of copies of the documents he desires. Upon receipt of the aforementioned notice from Plaintiff by the Clerk, the Court **ORDERS** that Plaintiff's custodian shall forward the funds requested to the Clerk, U.S. District Court, P.O. Box 8286, Savannah, GA 31412.

ORDER ENTERED at Augusta, Georgia, this 3rd day of August, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA